

CHAPTER 58

BACKGROUND INVESTIGATIONS OF TEMPORARY STAFF AGENCY EMPLOYEES PROVIDING DIRECT HEALTH CARE SERVICES

H.F. 576

AN ACT relating to background investigations of individuals employed through temporary staffing agencies with certain health care providers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.33, Code 2017, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. a. **This section** shall also apply to an employee of a temporary staffing agency that provides staffing for a facility, service, program, or other provider regulated by **this section** if the employee provides direct services to consumers.

b. In substantial conformance with the provisions of **this section**, prior to the employment of such an employee, the temporary staffing agency shall request the performance of the criminal and child and dependent adult abuse record checks. The temporary staffing agency shall inform the prospective employee and obtain the prospective employee's signed acknowledgment. The department of human services shall perform the evaluation of any criminal record or founded child or dependent adult abuse record and shall make the determination of whether a prospective employee of a temporary staffing agency shall not be employed by the assisted living program as defined in **section 231C.2**, the Medicare certified home health agency, or the facility, service, program, or other provider regulated by **this section**.

c. If a person employed by a temporary staffing agency that is subject to **this section** is convicted of a crime or has a record of founded child or dependent adult abuse entered in the abuse registry after the person's employment application date, the person shall inform the temporary staffing agency within forty-eight hours and the temporary staffing agency shall inform the facility, service, program, or other provider within two hours.

d. If a temporary staffing agency fails to comply with the requirements of **this section**, the temporary staffing agency shall be liable to the facility, service, program, or other provider for any actual damages, including civil penalties, and reasonable attorney fees.

e. **This section** shall not apply to employees employed by a temporary staffing agency for a position that does not provide direct services to consumers.

Approved April 12, 2017